

**PUNJAB STATE INFORMATION COMMISSION**  
Red Cross Building, Near Rose Garden,  
Sector 16, Chandigarh.  
Ph: 0172-2864117, Email: - [psic27@punjabmail.gov.in](mailto:psic27@punjabmail.gov.in)  
Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)  
Helpline No. 0172-2864100



Sh.Dinesh Kumar, House No. 2859,  
Ward No. 22, Kharar, Distt. Kharar (9316600064)

.....Complainant

..Vs

**Registered post:**      **Public Information Officer,**  
O/o EO, MC, Kharar  
Distt. Mohali

.....Respondent

**CC No. 39 of 2021**  
**(Through CISCO-Webex)**

Present:      (i) Sh.Dinesh Kumar the complainant  
                 (ii) None for the respondent

**ORDER**

This order may be read with reference to the previous order dated 31.05.2021.

2. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereof, it has been held that while entertaining a complaint case under Section 18 of the RTI Act , 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:-

*(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).*



**CC No. 39 of 2021**

As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

3. Since there is an alternative and efficacious remedy of first appeal available to the Complainant under Section 19(1) of the RTI Act, 2005, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order. In case the complainant has any grouse, he is advised to challenge the response of the PIO before the designated First Appellate Authority, as envisaged under Section 19(1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.

4. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

5. In view of the observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

**26.07.2021**

Sd/-  
**(Preety Chawla)**  
State Information Commissioner  
Punjab

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**Sh. Rajwinder Singh, S/o Sh. S. Kuldeep Singh,**

R/o 2636, Gali No. 1, Azad Nagar, Near Shimla Market  
Putligarh, Amritsar (9872821947)

.....Complainant

Vs

**Public Information Officer,**  
O/o Vigilance Bureau,  
Near District Chowk, Amritsar  
**Registered post:**  
First Appellate Authority  
O/o Vigilance Bureau,  
Near District Chowk, Amritsar

.....Respondent

**CC No. 695 of 2020**  
**(Through CISO-Webex)**

Present: (i) Sh.Rajwinder Singh the complainant  
(ii) For the respondent : Smt. Rupinder Kaur, ASI (8146590039)

**ORDER**

This order may be read with reference to the previous order dated 31.05.2021.

2. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereof, it has been held that while entertaining a complaint case under Section 18 of the RTI Act , 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:-

*(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the*



**CC No. 695 of 2020**

*Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).*

As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

3. Since there is an alternative and efficacious remedy of first appeal available to the Complainant under Section 19(1) of the RTI Act, 2005, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order. In case the complainant has any grouse, he is advised to challenge the response of the PIO before the designated First Appellate Authority, as envisaged under Section 19(1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.

4. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

5. In view of the observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

Sd/-

**26.07.2021**

**(Preety Chawla)**  
State Information Commissioner  
Punjab

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Mrs. Nivedita Singla w/o Sh. Deep Chand  
House No. 28, Green Avenue Colony,  
Amlah Road, Mandi Gobindgarh- 147301  
District Fatehgarh Sahib, Punjab (9851852000)

.....Appellant

..Vs

**(Registered Post)**

**Public Information Officer,**  
O/o MC, Mandi Gobindgarh  
Distt. Fatehgarh Sahib

**First Appellate Authority**  
o/o Deputy Director, Urban Local Bodies,  
Ludhiana

.....Respondent

**AC No. 203 of 2021**  
**(Through CISCO-Webex)**

Present: (i) None is present on behalf of the appellant  
(ii) For the respondent : Sh. Kulbir Singh Brar, EO, o/o Mandi  
Gobindgarh(9814389097)

**ORDER**

This order may be read with reference to the previous order dated 31.05.2021 vide which a show cause notice was issued to the respondent-PIO.

2. The appellant is absent today.
3. The respondent states that the information, as exists in the record has already been sent to the appellant.
4. After hearing the respondent and examining the case file, it is ascertained that the information has been sent to the appellant. The respondent has also filed reply to the show cause notice. Keeping in view all the facts mentioned in the reply the show cause notice is hereby dropped.

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**AC No. 203 of 2021**

5. In view of the foregoing, no cause of action is left, hence the appeal case filed by the appellant is disposed of and closed. Copy of the order be sent to the parties.

**26.07.2021**

Sd/-  
**(Preety Chawla)**  
State Information Commissioner  
Punjab



Smt Somila Singh Sandhu, (M-98140-17077)

#1063, Sector 27B, Chandigarh

.....Complainant

**Vs**

**Public Information Officer,**  
O/o DSSO, Mohali

**Public Information Officer,**  
O/o SDM, Mohali

.....Respondent

**CC.No. 231 of 2020**  
**Through CISCO-Webex**

Present: (i) Smt. Somila Sandhu, the complainant  
(ii) For the respondent : Sh. Pankaj Kumar, Jr. Assistant (9872006693) in the Commission

**ORDER**

This order may be read with reference to the previous order dated 16.07.2021.

2. The complainant Smt. Somila Sandhu states that no information has been given to her so far.
3. Sh. Pankaj Kumar is appearing on behalf of the respondent no. 2 and has filed an affidavit in response to the show cause notice issued to the respondent- PIO. The same is as under:-

- 1 That the above noted case is pending with Hon'ble commission and is fixed for 26.07.2021
- 2 That in compliance of order dated 22-06-2021 of Hon'ble court Complainant inspected the record and information provided to her vide letter no 307/Peshi Dated 23-06-2021.
- 3 That the application was transferred by the District Social Security Officer, SAS Nagar to this office and available information was also provided to the applicant vide letter no 90/Peshi Dated 16-03-2021.
- 4 That instructions of section 4 of the RTI Act will be complied by this office.
- 5 That the information that was sought by the applicant has been supplied, and rest of it is not available in our official record.

I have gone through the affidavit of the Respondent and agree with the reply of the Respondent resultantly, the proceedings under Section 20 of the RTI are dropped.

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**CC.No. 231 of 2020**

5. In view of the foregoing, no more information is pending and available with the Respondent, no. 2, hence the complaint case filed by the complainant is **disposed of and closed**. Copy of the order be sent to the parties.

**26.07.2021**

**Sd/-**  
**(Preety Chawla)**  
State Information Commissioner  
Punjab



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Sh. Santosh Kumari, (9914858159)  
House No. 2650, Ward No. 12,  
Opp Dussehra Ground, Kharar - 140301

.....Appellant

..Vs

**Registered post:** **Public Information Officer,**  
O/o DSP, Kharar, Distt. Mohali

**First Appellate Authority**  
O/o SSP, Mohali

.....Respondent

**AC No. 989 of 2021**  
**Through CISCO Webex**

Present: (i) None is present on behalf of the appellant  
(ii) For the respondent : Sh. Lakhwinder Singh, ASI (9877482194)

**ORDER**

This order may be read with reference to the previous order dated 07.06.2021 vide which a show cause notice was issued to the respondent-PIO.

2. Today the appellant is absent. She has even not informed the Commission about her absence for today's hearing.

3. Sh. Lakhwinder Singh is appearing on behalf of the respondent and has filed an affidavit in response to the show cause notice issued to the respondent-PIO.

4. I have gone through the affidavit of the Respondent and agree with the reply of the Respondent resultantly, the proceedings under Section 20 of the RTI are dropped.

5. In view of the foregoing, no cause of action is left, hence the complaint case filed by the complainant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

**26.07.2021**

**(Preety Chawla)**  
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Punjab

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Sh Jagdeep Singh, S/o Sh Daljit Singh,  
Mohalla Nava Katra, Near Khalsa High School,  
VPO Kalanaur, Distt Gurdaspur (9465227317) .....Appellant

**Vs**

**Public Information Officer,**  
O/o Registrar, Punjab State Pharmacy Council,  
Sector 79, Mohali

**First Appellate Authority,**  
O/o Registrar, Punjab State Pharmacy Council,  
Sector 79, Mohali .....Respondent

**AC.No.2727 of 2020**  
**Through CISCO-Webex**

Present: None for the parties.

**ORDERS**

This order may be read with reference to the previous order dated 31.05.2021.

2. Today neither the Appellant nor the Respondent is present.
3. After examining the documents placed on record, it is ascertained that the appellant is not present today. He was not present on the previous date of hearing also. He has not even bothered to inform the Commission about his absence. Hence, it may be presumed that the Appellant is satisfied with the information provided.
4. In view of the foregoing, no further cause of action is left. Hence, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

**Sd/-**

Dated: 26.07.2021

**(Preety Chawla)**  
State Information Commissioner  
Punjab